

**The Department of Community Planning & Development**  
**City Hall, Lynchburg, VA 24504** **434-455-3900**

---

**To:** Planning Commission  
**From:** Planning Division  
**Date:** October 13, 2004  
**Re:** **REZONING: 108 Melinda Drive and Wards Road**

---

**I. PETITIONER**

Compson Development, LC, 1320 Old Chain Bridge Road, Suite 400, McLean, VA 22101  
**Representatives:** Mr. Jerry Falwell, Jr., P.O. Box 542, Forest, VA 24551

**II. LOCATION**

The subject property is a tract of approximately one and three tenths (1.3) acres located at 108 Melinda Drive, Wards Ferry Road and Wards Road.

**Property Owners:**

English Development Corporation, 1522 Main Street, Altavista, VA 24517  
Covenant Presbyterian Church, 108 Melinda Drive, Lynchburg, VA 24502

**III. PURPOSE**

The purpose of the petition is to rezone approximately one and three tenths (1.3) acres at 108 Melinda Drive and Wards Road from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional) to allow a commercial access to serve a shopping center in Campbell County.

**IV. SUMMARY**

- Petition agrees with the Comprehensive Plan, which recommends a Regional Commercial use for the area.

**The Planning Division recommends approval of the rezoning petition.**

---

**V. FINDINGS OF FACT**

- 1. Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends “Regional Commercial” and “Resource Conservation” uses for the subject property. “Regional Commercial” uses are defined as retail, restaurant, entertainment, and hotel uses that draw customers from the entire region. **(5.5)** “Resource Conservation” areas have special characteristics that make their preservation in open space particularly important to the City’s environmental health. These areas are intended to be kept as natural as possible so as to stabilize steep slopes, prevent soil erosion, provide for natural absorption areas for urban runoff, moderate climate and to provide wooded areas for wildlife. **(5.2-5.3)**

The subject property is also located in the vicinity of the intersections of Wards Road, and the US Route 460/US Route 29 interchange. This area is listed as a “major gateway” to the City. The City’s gateways serve as the communities’ front door, establishing first impressions and reinforcing images and perceptions of Lynchburg’s quality of life. The Comprehensive Plan states that “if a property in a gateway area is proposed for rezoning, the City will seek proffers that ensure high aesthetic quality of development and that set aside land for gateway features.” **(4.1-4.3)**

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-4, Multi-Family Residential District and R-C, Conservation District zoning was established in 1978 with the adoption of the current Zoning Ordinance.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
  1. The site will be landscaped as follows:
    - a. Along the frontage of Wards Ferry Road between the intersection of Wards Ferry Road and Wards Road and the first entrance into the center, a 20-foot wide landscaped buffer shall be provided. The buffer shall be planted in a manner similar to that which now exists along Wards Road in front of Logan's Roadhouse and O'Charley's restaurants.
    - b. Street trees will be planted 40-feet on-center along the property frontage of Wards Ferry Road.
    - c. Landscaped islands shall be constructed in the parking lot so that no more than 15 parking spaces are located between islands.
    - d. If permitted by City floodplain regulations, landscaping similar to 1a shall be provided on each side of the main entrance (across from Target).
  2. No entrance or other access from the proposed shopping center shall be established onto Melinda Drive.
  3. The developer shall install a new traffic signal on Wards Ferry Road at the proposed shopping center entrance and the existing Wards Crossing (Target) entrance.
  4. The developer agrees to construct a taper and turn lane on the southbound Wards Ferry Road approach into the shopping center main entrance.
  5. If warranted by the Traffic Impact Study, the developer agrees to lengthen the left turn lane (storage and taper) on the northbound approach to the Wards Ferry and Wards Road intersection.
  6. The developer agrees to construct dedicated left-turn lanes on Wards Ferry Road at the proposed main and secondary entrances into the shopping center. Said turn lanes will be constructed by modifying the existing lane markings on Wards Ferry Road.
  7. All transportation improvements will be the responsibility of the developer and/or its assignees.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
5. **Previous Actions.** The following items in the immediate area have required City Council approval:
  - On August 10, 2004, the City Council approved the rezoning petition of Little Horse, LLC from I-2, Light Industrial District to B-5, General Business District (Conditional) at 109 Delta Street.
  - On August 10, 2004, the City Council approved the rezoning petition of Little Horse, LLC from I-2, Light Industrial District and B-5, General Business District (Conditional) to B-5, General Business District (Conditional) at 113, 121 & 125 Delta Street.

- On October 12, 1999, the City Council approved the Conditional Use Permit petition of the Church of Jesus Christ of Latter Day Saints at 110 Melinda Drive to allow the construction of a forty-six (46) space parking area.
  - On January 26, 1999, the City Council approved the Conditional Use Permit petition of Faison/Trammel Crow on Wards Road to allow fill in the flood plain.
  - On January 26, 1999, the City Council approved the rezoning petition of Faison/Trammel Crow from R-3, Two-Family Residential District, R-4, Multi-Family Residential District, R-5, Multi-Family Residential District and B-5, General Business District to B-5, General Business District (Conditional) at the intersections of Wards Road, Wards Ferry Road and Atlanta Avenue.
  - On December 14, 1993, the City Council approved the rezoning petition of Charleston Trading Company, Inc., from I-2, Light Industrial District to B-5, General Business District (Conditional) at 4009-4013 Wards Road.
  - On December 8, 1992, the City Council approved the rezoning petition of George A. and Sue W. Cox from I-2, Light Industrial District to B-5, General Business District (Conditional) at 121 Delta Street.
  - On September 11, 1984, the City Council approved the Conditional Use Permit petition of Covenant Presbyterian Church at 108 Melinda Drive to allow additions to an existing church building.
6. **Site Description.** The subject property is bounded to the north (across Melinda Drive) by multi-family uses, to the east (across Wards Ferry Road) by a large retail use (Wards Crossing Shopping Center), to the south by vacant land (zoned B-5, General Business District and proposed for a parking area) and to the west by an institutional use (Covenant Presbyterian Church) and vacant land (area proposed for the Compson Development shopping center).
7. **Proposed Use of Property.** The purpose of the rezoning is to allow the construction of a commercial access drive to serve a proposed shopping center in Campbell County. The remainder of the property could be used for future commercial development within the City Limits.
8. **Traffic and Parking.** The City's Traffic Engineer is concerned with the impact the proposed development will have on Wards Ferry Road. A traffic study has been requested to identify necessary road improvements needed in order for the project to occur. These road improvements should be the sole responsibility of the developer. At a minimum the following road improvements will be required: A traffic signal at the proposed entrance and the existing entrance to Wards Crossing Shopping Center from Wards Ferry Road, right and left turn lanes. The requested traffic study had not been received at the time this report was written; however, the petitioner has proffered substantial road improvements. The City's Traffic Engineer has reserved further comment until the traffic study is received and reviewed.

Of particular concern to the Planning Division is the potential for the amount of "cut through" traffic on Wards Ferry Road, Melinda Drive and Alta Lane to increase due to the proposed development. The Planning Division recommends that a traffic study be conducted to determine if improvements are needed to these roads or if "traffic calming" techniques should be installed to preserve the neighborhood fabric as is consistent with the *Comprehensive Plan*. Neighborhoods and Housing, Objective 1F, Safety and Security states "Explore design (e.g.,

traffic calming) and enforcement strategies to ensure safe pedestrian and vehicular traffic.”

(10.12) Transportation, Objective 1D, Neighborhood Traffic states “Ensure that traffic conditions do not degrade neighborhood quality.” (14.7)

9. **Stormwater Management.** A stormwater management plan will be required because disturbed areas will exceed 1,000 square feet. Because the property lies at the City/County boundary line, the City of Lynchburg and Campbell County are conducting a joint review of the project. Based upon population density, the City of Lynchburg is classified by the Environmental Protection Agency (EPA) as a “Phase II” community, which requires stormwater management plans to address both quantity and quality of water being discharged into receiving channels. Phase II communities are also required to map commercial discharge points exceeding thirty-six (36) inches in diameter. Campbell County is not classified as a Phase II community by the EPA and is only required to account for the quantity of stormwater discharged into receiving channels.

According to the petitioner, stormwater management will be addressed in Campbell County. However, the subject property lies at the “headwaters” of Tomahawk Creek and stormwater discharged from the proposed project will ultimately be discharged into a stream flowing through the City limits. Because of the sensitive environmental issues associated with the project, the Campbell County Planning Commission recommended a condition of approval to the Campbell County Board of Supervisors that “The stormwater management system shall be designed and built to address both the quantity and quality of water discharged from the site. Water quality standards shall be those in effect in the City of Lynchburg as of this date (9/27/04) regardless of where the stormwater management system is located.” The petitioner has also submitted voluntary proffers in Campbell County that “The stormwater management system shall be designed and built to address both the quantity and quality of water being discharged from the site.” At its October 4, meeting the Campbell County Board of Supervisors postponed action on the item, until the rezoning petition is heard in the City.

10. **Impact.** The petition proposes to rezone the property from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional) to allow for a commercial access to serve a proposed shopping center in Campbell County. The site plan submitted by the petitioner indicates that a ten thousand eight hundred (10,800) square foot retail building could be constructed within the City limits.

The Future Land Use Map recommends a “Regional Commercial” use for the subject property and thus the proposed rezoning is in compliance with the *Comprehensive Plan*. The major impacts associated with the proposed development will be traffic, landscaping and stormwater. Traffic impacts along the frontage of the property have been addressed by voluntary proffers submitted by the petitioner. Stormwater management issues will be addressed by voluntary proffers submitted by the petitioner in Campbell County and recommended conditions by the Campbell County Planning Commission to the Campbell County Board of Supervisors. There are standing regulations in the City of Lynchburg to adequately address stormwater management issues. Landscaping concerns have been addressed by the petitioner in the voluntarily submitted proffers. However, the Planning Division suggests that the petitioner clarify the proffers to state that “shade type” trees will be provided within the landscaped islands within the parking area, and that “landscaped berms” will be constructed along the frontage of the property.

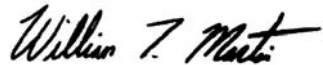
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on September 21, 2004. Comments have or will be addressed by the petitioner prior to final site plan approval.

**VI. PLANNING DIVISION RECOMMENDED MOTION(s)**

**That the Planning Commission waives the twenty-one (21) day submittal requirements for proffers.**

**Based on the preceding Findings of Fact, the Planning Commission recommends approval of the rezoning of one and three tenths (1.3) acres at 108 Melinda Drive and Wards Road from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional) with the voluntarily submitted proffers.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. R. Douglas Dejarnette, Fire Marshal  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Ms. Judith C. Wiegand, Senior Planner  
Mr. Arthur L. Tolley, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mr. Kent White, Environmental Planner  
Mr. Jerry Falwell, Jr. Representative

**VII. ATTACHMENTS**

- 1. Vicinity Zoning Pattern**  
(see attached map)
- 2. Vicinity Proposed Land Use**  
(see attached map)
- 3. Site Plan**  
(see attached site plans)
- 4. Petition in Opposition**  
(see petition)